

FORM PTO-1390 MODIFIED	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER <b>4750-34</b>
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/563,857</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/EP2004/007599</b>	INTERNATIONAL FILING DATE <b>09/July/2004</b>	PRIORITY DATE CLAIMED <b>9/July/2003</b>	
<b>TITLE OF INVENTION</b> <b>RESPIRATORY MASK ARRANGEMENT AS WELL AS HEADBAND ARRANGEMENT AND RESPIRATORY GAS EVACUATION DEVICE FOR A RESPIRATORY MASK</b>			
<b>APPLICANT(S) FOR DO/EO/US</b> <b>MADAUS et al.</b>			
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input type="checkbox"/> The U.S. has been elected (Article 31).</li> <li>A copy of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> <li>An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (      pages specification, claims &amp; abstract (      claims),      sheets drawings,      page Certificate of Translation).</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has <b>NOT</b> expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>a. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <ul style="list-style-type: none"> <li>b. <input type="checkbox"/> Declaration was submitted to the International Bureau during International Phase (see copies of Declaration (      page Form PCT/RO/101 and Form PCT/IB/371 and first page of printed publication acknowledging receipt thereof attached).</li> </ul> </li> <li>An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 To 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li><input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. 3.28 and 3.31 is included.</li> <li>a. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>b. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> An Application Data Sheet under 37 C.F.R. § 1.76.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</li> <li><input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> Other items or information.</li> </ol>			

U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) <b>10/563,857</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP2004/007599</b>		ATTORNEY'S DOCKET NUMBER <b>4750-34</b>																												
<input checked="" type="checkbox"/> The following fees are submitted:																																
<b>BASIC NATIONAL FEE (37 C.F.R. 1.492(a)(1)-(5):</b>																																
21. <input type="checkbox"/> Basic national fee .....		\$300.00 (1631)/\$150.00 (2631)		\$																												
22. <input type="checkbox"/> Examination Fee .....		\$0 (1643/2643)		\$																												
.....		\$200.00 (1633)/\$100.00 (2633)		\$																												
23. <input type="checkbox"/> Search Fee .....		\$0 (1640/2640)		\$																												
.....		\$100 (1641)/\$50 (2641)		\$																												
.....		\$400 (1642)/\$200 (2642)		\$																												
.....		\$500.00 (1632)/\$250.00 (2632)		\$																												
<b>TOTAL OF ABOVE CALCULATIONS</b>																																
\$ 0.00																																
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.																																
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE																												
71 -100	0	/50 =	0.00	\$0.00 (1681)	\$																											
				\$0.00 (2681)																												
Surcharge of <b>\$130.00 (1617)/\$65.00 (2617)</b> for furnishing the oath or declaration later than <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(e)).																																
<table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th># EXTRA</th> <th colspan="3">RATE</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>30</td> <td>minus 30 =</td> <td>0 X</td> <td>\$50.00 (1615)/</td> <td>\$25.00 (2615)</td> <td>\$</td> </tr> <tr> <td>Independent Claims</td> <td>3</td> <td>minus 3 =</td> <td>0 X</td> <td>\$200.00 (1614)</td> <td>\$100.00 (2614)</td> <td>\$</td> </tr> <tr> <td colspan="3">MULTIPLE DEPENDENT CLAIMS(S) (if applicable)</td> <td colspan="3">\$360.00 (1616)/\$180.00 (2616)</td> <td>\$ 0.00</td> </tr> </tbody> </table>						CLAIMS	NUMBER FILED	# EXTRA	RATE			Total Claims	30	minus 30 =	0 X	\$50.00 (1615)/	\$25.00 (2615)	\$	Independent Claims	3	minus 3 =	0 X	\$200.00 (1614)	\$100.00 (2614)	\$	MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$360.00 (1616)/\$180.00 (2616)			\$ 0.00
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MULTIPLE DEPENDENT CLAIMS(S) (if applicable)			\$360.00 (1616)/\$180.00 (2616)			\$ 0.00																										
Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s): One Month Extension \$120.00 (1251)/\$60.00 (2251); Two Month Extensions \$450.00 (1252)/\$225.00 (2252); Three Month Extensions \$1020.00 (1253)/\$510.00 (2253); Four Month Extensions \$1590.00 (1254)/\$795.00 (2254)																																
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.																																
Processing fee of <b>\$130.00 (1618)</b> , for furnishing the English Translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 C.F.R. 1.492(f)).																																
+ 0.00																																
<b>TOTAL NATIONAL FEE = \$ 0.00</b>																																
Fee for recording the enclosed assignment (37 C.F.R. 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 C.F.R. 3.28, 3.31). <b>\$40.00 (8021)</b> per property																																
+ \$ 40.00																																
Fee for Petition to Revive Unintentionally Abandoned Application; <b>\$1500.00 (1453) / \$750.00 (2453)</b>																																
<b>TOTAL FEES ENCLOSED = \$ 40.00</b>																																
Amount to be refunded: \$																																
Amount to be Charged: \$																																
<b>U.S. Application No.10/563,857; Atty Docket No.4750-34</b>																																
a. <input checked="" type="checkbox"/> A check in the amount of \$40.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 14-1140 in the amount of \$_____ to cover the above fees. A duplicate copy of this form is enclosed.																																

U.S. Application No.10/563,857; Atty Docket No.4750-34

a.  A check in the amount of \$40.00 to cover the above fees is enclosed.  
b.  Please charge my Deposit Account No. 14-1140 in the amount of \$\_\_\_\_\_ to cover the above fees.  
A duplicate copy of this form is enclosed.

c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-1140. A duplicate copy of this form is enclosed.

d.  **CREDIT CARD PAYMENT FORM ATTACHED.**

e.  The entire content of International Application No. PCT/EP2004/007599 and any U.S. and foreign application(s) corresponding thereto, and DE 10331134.3 and DE 10335162.0, referred to in this application is/are hereby incorporated by reference in this application.

**NOTE: Where an appropriate time limit under 37 C.F.R. 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. 1.137(a) or (b) must be filed and granted to restore the application to pending status.**

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

 Customer Number:**23117***Type Customer Number here*

Telephone: (703) 816-4000

PTB:jck

**Paul T. Bowen**

NAME

**38,009****July 10, 2006**

REGISTRATION NUMBER

Date



# UNITED STATES PATENT AND TRADEMARK OFFICE

PTB  
4750-34  
Page 1 of 2  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/563,857	Madaus	4750-34

INTERNATIONAL APPLICATION NO.
PCT/EP04/07599

I.A. FILING DATE	PRIORITY DATE
07/09/2004	07/09/2003

23117  
NIXON & VANDERHYE, PC  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

DOCKET NO. 4750-34  
CITA/MATT 5/10/2006  
MAIL DATE 5/10/2006  
DUE DATE JUL 10, 2006  
FINAL DEADLINE NOV 10, 2006  
DOCKETED BY DA61

Date Mailed: 05/10/2006

CONFIRMATION NO. 3950  
371 FORMALITIES LETTER



\*OC000000018732454\*

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/09/2006
- Copy of the International Search Report filed on 01/09/2006
- Preliminary Amendments filed on 01/09/2006
- Information Disclosure Statements filed on 01/09/2006
- Request for Immediate Examination filed on 01/09/2006
- U.S. Basic National Fees filed on 01/09/2006
- Substitute Specification filed on 01/09/2006
- Priority Documents filed on 01/09/2006
- Specification filed on 01/09/2006
- Claims filed on 01/09/2006
- Abstracts filed on 01/09/2006
- Drawings filed on 01/09/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PAULETTE R KIDWELL

Telephone: (703) 308-9140 EXT 216

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/563,857	PCT/EP04/07599	4750-34

FORM PCT/DO/EO/905 (371 Formalities Notice)